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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,268	05/18/2006	Peter Vogel	10191/4275	8846
26646	7590	11/01/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER WENDELL, ANDREW	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,268

Applicant(s)

VOGEL ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/EP04/50783 and 1330613.7, filed 5/13/2004 and 7/7/2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of

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such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-15, 17, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrington et al. (US Pat# 6,307,280).

Regarding claim 14, Harrington teaches a method for operating multimedia and/or telematics services 16 (Fig. 2) in a motor vehicle (Fig. 1), comprising providing the services in a speed-dependent manner 42 and 44 (Fig. 3).

Regarding claim 15, Harrington teaches wherein the providing of the services includes at least one of a control of a selection of the services and a representation of the services on a user interface present in the motor vehicle (Col. 2 lines 37-56 and Col. 3 lines 17-45).

Regarding claim 17, Harrington teaches performing a speed-dependent selection 42 and 44 (Fig. 3) of an input medium 16 (Fig. 2) for an operator control of the services.

Regarding claim 26, Harrington teaches a service management unit (Fig. 2) for use in an operation of multimedia and/or telematics services 16 (Fig. 2) and associated user interfaces, in a motor vehicle, comprising a control unit 18 (Fig. 2) for analyzing information on a vehicle speed 34 (Fig. 2) and being configured to providing the services in a speed-dependent manner 42 and 44 (Fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of Knockeart et al. (US Pat# 6,968,311).

Regarding claim 16, Harrington teaches the limitations in claim 14. Harrington fails to teach a prioritization of services.

Knockeart teaches wherein the selection of the services includes a prioritization of predetermined services (based on user conditions and how easy the user will be distracted with service) over other services that are also available (Col. 4 lines 47-65).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a prioritization of services as taught by Knockeart into Harrington's vehicle controls in order to improve safety of vehicle operation (Col. 2 lines 54-59).

Regarding claim 18, the combination including Knockeart teaches performing a speed-dependent selection of an output medium for a representation of the services (Fig. 1 and Col. 4 lines 47-64).

Regarding claim 19, the combination including Knockeart teaches performing a speed-dependent adaptation of at least one of an input medium and an output medium (Fig. 1 and Col. 4 lines 47-64).

Regarding claim 20, the combination including Knockeart teaches performing a control involving a selection of a suitable form of representation of contents provided by the particular service on an output medium (Fig. 1 and Col. 4 lines 47-64).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of Yamanaka et al. (US Pat# 6,667,726).

Regarding claim 21, Harrington teaches the limitations in claim 14. Harrington fails to teach changing a display color on an output medium.

Yamanaka teaches an output medium in a manner controlled by a speed 3 (Fig. 1) by performing at least one of the following: c) changing a display color 26 (Fig. 1) on the output medium 1a (Fig. 1).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate changing a display color on an output medium as taught by Yamanaka into Harrington's vehicle controls in order to know the speed of the vehicle more easily and therefore traveling at safer speeds (Col. 3 lines 35-39).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of Knockeart et al. (US Pat# 6,968,311) and further in view Breed (US Pat# 7,126,583).

Regarding claim 22, Harrington teaches suppressing 44 (Fig. 3) predetermined functions of predefined associated control elements 16 (Fig. 2) and the limitations in claim 14 and 19. Knockeart teaches performing one of the following for adapting an input medium in a manner controlled by a speed: a) assigning control elements, including keys, different functions, in which functions of greater importance being prioritized over those of less importance (Col. 4 lines 47-65), b) suppressing predetermined functions of predefined associated control elements (Col. 4 lines 47-65), c) blocking keys in one of an audibly perceptible manner, a visually perceptible manner, and a tactilely perceptible manner (Fig. 1 and Col. 4 lines 47-65).

Harrington and Knockeart fail to teach changing one of a sensitivity characteristic of a microphone.

Breed teaches changing one of a sensitivity characteristic of a microphone and a directional characteristic of the microphone (Col. 17 lines 9-29).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate changing one of a sensitivity characteristic of a microphone as taught by Breed into a prioritization of services as taught by Knockeart into Harrington's vehicle controls in order to increase safety since the operator does not have to take their eyes off the road (Col. 13 lines 57-66).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of Wakabayashi (US Pat# 7,082,304).

Regarding claim 23, Harrington teaches the limitations in claim 14. Harrington fails to teach selecting a transmission medium.

Wakabayashi teaches selecting a transmission medium (selecting the correct base station to transmit based on speed) for communication and setting corresponding service parameters as a function of a speed (Col. 2 line 11-Col. line 16).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate selecting a transmission medium as taught by Wakabayashi into Harrington's vehicle controls in order to increase efficiency (Col. 1 lines 63-67).

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of O'Neil (US Pat# 6,973,333).

Regarding claim 24, Harrington teaches the limitations in claim 14. Harrington fails to teach performing a control in at least one of a location-dependent manner and a context-dependent manner.

O'Neil teaches performing a control in at least one of a location-dependent manner and a context-dependent manner (Col. 14 line 49-Col. 15 line 2).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate performing a control in at least one of a location-dependent manner and a context-dependent manner as taught by O'Neil into Harrington's vehicle controls in order to increase flexibility in restricting the use of cellular telephones (Col. 2 lines 62-67).

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10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al. (US Pat# 6,307,280) in view of Damiani et al. (US Pat# 6,667,726).

Regarding claim 25, Harrington teaches a vehicle information system (Fig. 2) for operating services including at least one of multimedia services and telematics services 16 (Fig. 2) and associated user interfaces in a motor vehicle, comprising: a service management unit 18 (Fig. 2) connectable to: a) a device for one of measuring and displaying an instantaneous vehicle speed 34 (Fig. 2 and Col. 2 lines 37-45), and b) a user interface 16 (Fig. 2) for providing the services in a speed-dependent manner 42 and 44 (Fig. 3). Harrington fails to clearly teach measuring instantaneous speed (even though it would be obvious).

Damiani teaches a device for one of measuring and displaying an instantaneous vehicle speed (Col. 3 lines 25-30).


Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate measuring instantaneous speed as taught by Damiani into Harrington's vehicle controls in order to increase visibility and therefore increase safety (Col. 1 lines 28-47).

Conclusion

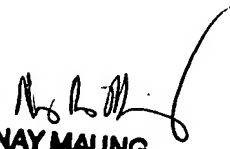
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Wendell
Examiner
Art Unit 2618

10/25/2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER